

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

UNITED STATES OF AMERICA

V.

SANTO COLEMAN, et al.

)
)
)
)

Case No.2: 06-CR-215

OBJECTION TO GOVERNMENT’S MOTION TO DISMISS INDICTMENT

Now comes the defendants, Santo Coleman and Harry Jones, by and through the undersigned and hereby move this Honorable Court to deny the Government’s motion to dismiss the indictment, with leave to reinstate. As grounds for such motion, the defendants submit the following:

1. The defendant Harry Jones was arrested on August 9, 2006 for conspiracy to possess and distribute cocaine. Although Jones was a lifelong resident of Montgomery County, Alabama, and had not failed to appear before a judge when summoned, and is presumed innocent until proven guilty, he was considered a flight risk, denied bail and locked away pending trial.
2. The defendant Santo Coleman was arrested on August 26, 2006 for conspiracy to possess and distribute cocaine. Although Coleman turned himself in to authorities when apprised of the warrant for his arrest, and was a lifelong resident of Montgomery County, Alabama, and was employed, had never failed to appear before a judge when summoned to do so, and had never been on bail, and is presumed innocent until proven guilty, he too was considered a flight risk and was denied bail and locked away pending trial. Coleman specifically informed the

court that he would appear at trial and offered conditions of release because he wanted to protect his good name because he had not done anything wrong.

3. The defendant's were indicted on September 9, 2006 and the case was set for trial on November 27, 2006.
4. Both defendants filed multiple motions with the Court begging the Court to release them on bail and proffering reasonable assurances that they would appear at trial. Co-defendant, Alberto Villarreal, who was granted bail by the Court although he had no ties to the Middle District of Alabama, has absconded.
5. Such motions were objected by the United States and denied by the Court.
6. The defendants have languished in jail for nearly 120 days awaiting trial and the opportunity to clear their names.
7. On November 20, 2006, one week before trial, the United States Government moved to dismiss the indictment against the defendants without stating any reason. The defendants object to the dismissal, without prejudice, but not to a dismissal with prejudice.
8. The dismissal, with leave to reinstate, is contrary to the public interest. Granting the Government's motion to dismiss, without prejudice, trivializes the ordeal that the defendants have suffered over the last three months and would continue to suffer in the future awaiting possible reindictment and additional deprivation of their liberty. Granting the Government's motion would encourage the Government to bring charges against an individual, have them incur the cost of defense, deprive them of their liberty, cause them and their families to incur stress

and anguish while waiting on a court date, then summarily dismiss the charges, and conceivably start the entire process all over again at their leisure.

9. The Government's motion is a thinly veiled attempt at a continuance in order to gain a tactical advantage against the defendants and circumvent the requirements of the Speedy Trial Act which mandates that a defendant be brought to trial within seventy (70) days of his indictment.
10. The defendants have been formally charged and all evidence needed to prosecute the defendants is before the court.
11. The defendants are, in effect, ready to proceed to trial on November 27, 2006.

Wherefore premises considered, the defendants pray that the Court deny the Government's motion to dismiss, with leave to reinstate.

Respectfully Submitted,

/s/ Joe M. Reed
Joe M. Reed
Attorney for Santo Coleman

/s/ Rodney Caffey
Rodney Caffey
Attorney for Harry Jones

/s/ Tiffany McCord
Tiffany McCord
Attorney for Harry Jones

Certificate of Service

I hereby certify that the foregoing was filed with the Clerk of the Court and that notice will be sent by the Clerk to the Honorable Terry Moorer, Assistant United States Attorney, P.O. Box 197, Montgomery, AL 36101 by electronic mail this 20th day of November, 2006.

/s/ Joe M. Reed
Joe M. Reed